

STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT

State: NEVADA

MORE LIBERAL METHODS OF TREATING RESOURCES  
UNDER SECTION 1902(r)(2) OF THE ACT

     Section 1902(f) State   X   Non-Section 1902(f) State

Splitting of Resources Between Spouses (NON-SPOUSAL IMPOVERISHMENT CASES)  
(42 CFR Part 435.211, 435.231 & 435.217)

The State defines a non-spousal impoverishment case as those where the institutionalized spouse began a continuous period of institutionalization PRIOR to September 30, 1989 and where the institutionalized spouse's medical facility stay is less than 30 consecutive days.

Married persons who are living separate and apart from each other may enter into a written agreement between themselves dividing the total resources of both spouses equally between them. Only the portion the agreement specified as the applicant/recipient's will be counted in determining eligibility for Medicaid, UNLESS the spouse makes a portion of his/her resources available to the applicant/recipient. The portion made available to the applicant/recipient will be counted in determining eligibility for Medicaid. The regular SSI joint bank account procedures apply to the months of requested coverage prior to the effective date of the agreement.

Married persons who are living separate and apart from each other may petition the court to equally divide their total community resources, excluding income, between them. Only the portion the court order specifies as the applicant/recipient's will be counted in determining eligibility for Medicaid, UNLESS the spouse makes a portion of his/her resources available to the applicant/recipient. The portion made available to the applicant/recipient will be counted in determining eligibility for Medicaid. The regular SSI joint bank account procedures apply to the months of requested coverage prior to the effective date of the agreement.

Property Exclusion

(42 CFR Part 435.211, 435.231 & 435.217; and 1902(a)(10)(E) & 1905(p) of the Social Security Act)

Nevada allows a property exclusion when the property is for sale at market value and no offers to purchase have been received (the property must remain for sale while the client receives assistance), OR the property has been sold and escrow has not been completed. Good faith efforts to sell the property must be made by or on behalf of the client in order for property to qualify under this exclusion. These efforts must also be made on an ongoing basis in order for the exclusion to remain in effect.

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SUPPLEMENT 8b to ATTACHMENT 2.6-A  
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Parent to Child Deeming

Nevada does not impose SSI deeming provisions (parent to child) when determining eligibility for Qualified Medicare Beneficiaries (QMB). Only the child's resources are considered. (1902(a)(10)(E) and 1905(p) of the Social Security Act.)

First Day of the Month Resources Rule

An applicant/recipient may be eligible for assistance in a month if their resources are under the resource limits on any day of that month (42 CFR Part 435.211, 435.231 and 435.217; and 1902(a)(10)(E) and 1905(p) of the Social Security Act.)

Household Goods and Personal Effects

Nevada does not impose a value limitation on an applicant/recipient's household goods and personal effects (42 CFR Part 435.211, 435.231 & 435.217; and 1902(a)(10)(E) and 1905(p) of the Social Security Act.)

Resource Test for Pregnant Women and Children Described in 1905(n) of the Act

Nevada no longer applies a resource limit.

Resource Exclusion for Children in the Custody of a Public Agency

The resources of children will be excluded when:

- The child is in the custody of a state, county or tribal public agency,
- AND
- The child is placed in an approved living arrangement.

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State Nevada

Supplement 8b to Attachment 2.6a

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The agency uses more liberal methods for the treatment of resources under Section 1902(r)(2) of the Act than is used by SSI.

The following are the more liberal methods for the treatment of resources:

1. Approved Accounts of \$15,000.00 or less
2. Special needs trusts
3. IRS recognized retirement accounts
4. SSA death benefit payments
5. Medical savings accounts
6. Tax refunds
7. Life insurance policies with cash surrender values of less than \$50,000.00
8. Funeral/burial policies

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